

DETAILED ACTION

Claims 1-4 are pending in the instant application. Claims 1-4 are allowed.

Restrictions/Election

Applicant's election of the species of FIG 1 a) in the response filed on June 25, 2008 has been considered. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Upon further consideration, the election of species requirement has been withdrawn and claims 1-4 have been examined in their entirety.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

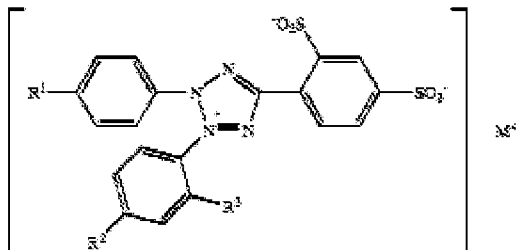
The application has been amended as follows: the abstract (page 16), which was previously disclosed in two paragraphs, is now disclosed as one paragraph (i.e. line 8 is combined with line 7 so that line 7 reads "substrates thereof. Disclosed is a water soluble...". In other words, the two paragraphs are combined to give one paragraph.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance. The instantly claimed compounds of formula (1) and the process of using them are novel and non-obvious over the prior art because of the structural limitation of the

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azo group or the N=N group and the phenyl which is directly attached to it (i.e. the phenyl which contains R13-R17). The closest prior art is US Patent No. 6,913,878 which discloses water-soluble tetrazolium salts of the following formula:



wherein R1 and R2 independently represent a hydrogen atom, nitro group, cyano group, carboxyl group, or a halogen atom; R3 represents an alkyl group or an alkoxy group; and M represents an alkali metal or an ammonium (column 5). Since R2 cannot be an azo group or a N=N group with a phenyl group directly attached to it, the compounds disclosed in US Patent No. 6,913,878 are not within the scope of the compounds in the instant claims nor are they obvious variants. Therefore, the compounds of US Patent No. 6,913,878 have different properties than the compounds of the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTIN BIANCHI whose telephone number

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is (571)270-5232. The examiner can normally be reached on Mon-Fri 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kamal A Saeed, Ph.D./
Primary Examiner, Art Unit 1626

Kristin Bianchi
Examiner
Art Unit 1626
